

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

F043299 In re Earl M., a Minor

Cause called and argued by Candice L. Christensen, Esq., counsel for appellant. Stephen G. Herndon, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Vartabedian, J. and Buckley, J. leave the bench; they are replaced by Cornell, J. and Gomes, J.

F042027 In re Richard C., a Minor

Cause called and argued by Betsy S. Kimball, Esq., counsel for appellant. Kelly Fincher, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Dibiaso, Acting P.J., Cornell, J. and Gomes, J. leave the bench; they are replaced by Vartabedian, Acting P.J., Wiseman, J. and Levy, J.

F042930 In re Peter V., a Minor

Cause called and argued by Derek K. Kowata, Esq., counsel for appellant and by Jesse Witt, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Vartabedian, Acting P.J., Wiseman, J. and Levy, J. leave the bench; they are replaced by Cornell, Acting P.J., and Gomes, J.

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Parties stipulate that (1) Dawson, J., the absent assigned justice, participate in the determination of this appeal, and (2) Dawson, J. to listen to the tape recording of oral proceedings upon her return.

F043003 In re Fernando N. Jr., a Minor

Cause called and argued by Thea Greenhalgh, Esq., counsel for appellant and by Barbara J. Moore, Deputy Attorney General, counsel for respondent.

Submission deferred until Thursday, January 15, 2004 for Dawson, J. to listen to the tape recording of oral argument.

Court recessed until Friday, January 9, 2004 at 9:30 A.M.

F042614 People v. Williams

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F042614 People v. Williams

The judgment is reversed and the cause remanded to the superior court. The trial court is directed to vacate its order denying the motion to suppress and enter a new order granting the motion. The trial court is directed to vacate the guilty verdict if Williams makes an appropriate motion within 30 days after the remittitur is issued. In that event, the superior court should reinstate the original charges and allegations contained in the information if the prosecution so moves. If Williams does not move to vacate the plea, the trial court is directed to reinstate the original judgment.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039484 Archer-Daniels-Midland Co. v. Pacific Salad Oil Company

The portion of the judgment granting ADM's motion to modify the permanent injunction is reversed. In all other respects, the judgment is affirmed. The parties will bear their own costs on appeal. Levy, J.

We concur: Buckley, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041314 Lane v. Thompson

The judgment is affirmed. Costs on appeal are awarded to respondent. Levy, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041728 People v. Baxter

The judgment is affirmed. Dibiaso, Acting P.J.

We concur: Wiseman, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043118 In re Gillam on Habeas Corpus

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Let a writ of habeas corpus issue directing the Clerk of the Superior Court of Kern County, if he/she receives the notice on or before 30 days from the date of this order, to file the notice of appeal in Kern County Superior Court action No. BF098652A, to deem it to be timely filed, and to cause a normal record on appeal to be prepared in accordance with the applicable rules of the California Rules of Court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041805 Ayala v. Ayala

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F041805 Ayala v. Ayala

The court's December 5, 2002, Order After Hearing, denying appellant's motion to set aside the stipulation and change the venue, is affirmed. Costs are awarded to respondent.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040732 Burnis Simon et al. v. Walt Disney World Co.

F040879 Burnis Simon et al. v. Walt Disney World Co.

The judgment is affirmed. Costs are awarded to Disney. Wiseman, J.

We concur: Levy, Acting P.J.; Vartabedian, J.

[CERTIFIED FOR PUBLICATION]

F041049 People v. Terrazas

The judgment is affirmed. Wiseman, Acting P.J.

We concur: Levy, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043043 Petaluma Livestock Auction Yard, Inc. v. Chan et al.

Pursuant to written stipulation of the parties hereto, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F043912 Takahashi v. Law Office of Brian K. Ross

F044464 Takahashi v. Brian K. Ross

Appellant's motion to consolidate the above-entitled cases is granted.

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F043299 **In re Earl M., a Minor**

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041626 **People v. Garcia**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.